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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,374	01/14/2004	Vito James Carlucci	884.0217USU	3611

47545 7590 04/16/2007  
STEVEN A. GARNER, ESQ.  
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STAMFORD, CT 06902

EXAMINER
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GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/757,374

Applicant(s)

CARLUCCI ET AL.

Examiner

Stephen Gravini

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Slingo (US 6,481,116). The claims are broadly and reasonably construed, in light of the accompanying specification, as being disclosed by Slingo as comprising:

a hair dryer body **10** having a handle portion **30** and a head portion **20**, said head portion having a blower **40** for generating airflow;

a primary heating source **62** for providing heat to said airflow; and

a secondary heating source **100** for selectively providing radiant energy to said airflow as desired wherein said primary heating source and said second heating source are independently activatable as discussed on columns 2 and 3 of that reference wherein electrical means **32** operates as a primary heating source and fan activation of heat flow operates as a secondary heating source because a separate switch operates each heating source such that both are independently activatable which also is considered to anticipate the claimed control interface enabling an operator to at least activate and/or deactivate said secondary heating source. Slingo is also considered to disclose the claimed primary convection heater heating source at column 1 lines 52-60, secondary infrared heater heating source at column 1 line 31, primary and secondary heating source individual and/or together operation as discussed in columns 2 and 3, and air ingress/egress opposite ends as shown in figure 1.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Doljack et al. (US 4,450,496). The claims are broadly and reasonably construed, in light of the accompanying specification, as being disclosed by Doljack as comprising:

a hair dryer body, disclosed in column 1 line 15 as the invention, having at least a first portion, disclosed in column 1 line 16 as the power circuit, and a second portion, disclosed in column 1 line 16 as the power circuit, said first portion accommodating at least a primary heating source **23** connected to a power source **17** and a secondary heating source **23a**,

said second portion accommodating a control interface **18** for allowing an operator to control a heating effect of said primary heating source and/or said secondary heating source,

wherein said second heating source is a positive temperature coefficient heater with a doped ceramic, and

wherein said positive temperature coefficient heater is connected to said power source at column 8 lines 7-60 and at column 9 beginning at line 12 with the doped ceramic feature being taught at column 4 lines 19-56, wherein the disclosed separate thermal resistors coupled in parallel is considered to inherently anticipate the claimed primary and secondary heating sources because both act to provide heating as claimed.

***Claim Rejections - 35 USC § 103***

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slingo in view of Carson (US 5,640,781). Slingo is considered to anticipate the claimed invention, except for the claimed PTC ceramic heater. Carson, another dryer, is

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considered to disclose a PTC ceramic heater at column 4 lines 12-27. It would have been obvious to one skilled in the art to combine the teachings of Slingo with the PTC ceramic heater, considered to be disclosed in Carson for the purpose of allowing a self regulating secondary heater by using a material that sharply increases resistance without a corresponding temperature increase, inherent to PTC ceramic heaters.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slingo in view of Polaert (US 5,790,749). Slingo is considered to anticipate the claimed invention, except for the claimed self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects. Polaert, another dryer, is considered to disclose a self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects at column 3 line 45 through column 4 line 6. It would have been obvious to one skilled in the art to combine the teachings of Slingo with the self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects, considered to be disclosed in Polaert for the purpose of allowing a more flexible heating temperature and airflow volume to prevent hair damage in hair drying equipment.

### ***Response to Arguments***

Applicant's arguments filed February 23, 2007 have been fully considered but they are not persuasive.

#### ***anticipation***

Current Office practice guides examination such that claims are broadly and reasonably construed, in light of the accompanying specification. In this application,

applicants argue that the claimed primary heating source should be more narrowly construed than permitted by current Office practice. Applicants further argue that fan **40** and electrical heater **60** that the primary and secondary heating sources are independently activatable. However it must be noted that the rejection above made in an earlier action shows that the primary **62** and secondary **100** heating sources are independently activatable since heater elongate coil **62** and ceramic radiator **100** are activated by a switching means **32** and a fan **40** respectively. Because the switching means and fan are separate components, the claimed first and second heating sources are separately activatable as claimed and as broadly and reasonably construed in light of the accompanying specification. The anticipatory rejection of the first independently claimed invention and dependently claimed embodiments is believed proper and maintained.

Applicants also argue that the claimed hair dryer body statement of intended use should be more narrowly construed than permitted by current Office practice. Second primary reference teaches a body that can be used as a hair dryer as claimed since it generated heat and is capable of drying hair. Structurally and functionally all the claimed features are disclosed in primary reference Doljack as rejected above. The second anticipatory rejection is believed proper and maintained.

*obviousness*

Applicants assert that anticipatory rejections are overcome such that the obviousness rejections should be withdrawn. Since the anticipatory rejections are believed proper, the obviousness rejections are also believed proper and maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG  
April 13, 2007

A handwritten signature in cursive script, appearing to read "Stephen Davis".